

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Joseph A. C.,

Case No. 20-cv-2246 (WMW/JFD)

Plaintiff,

**ORDER**

v.

Kilolo Kijakazi, *Acting Commissioner of  
Social Security*,

Defendant.

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Before the Court is the unopposed motion of Defendant Kilolo Kijakazi, the Acting Commissioner of Social Security, to reverse and remand this Social Security disability case pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. 26.)

On February 3, 2020, an Administrative Law Judge (ALJ) denied Plaintiff Joseph A. C.’s application for disability benefits. The Social Security Administration Appeals Council subsequently affirmed the decision of the ALJ. Kijakazi, the Acting Commissioner of Social Security, now requests that this Court reverse and remand this case pursuant to 42 U.S.C. § 405(g), *Shalala v. Schaefer*, 509 U.S. 292 (1993), and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

A district court “shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). In Section 405(g) actions, “remand orders must . . . accompany a final judgment affirming, modifying, or reversing the administrative decision.” *Melkonyan*, 501 U.S. at 101–02; *see*

*also Shalala*, 509 U.S. at 296 (explaining that a district court order reversing and remanding a Social Security case is a “final judgment”). In light of Kijakazi’s unopposed motion, the Court concludes that reversing and remanding the ALJ’s decision pursuant to sentence four of Section 405(g) is warranted.

### **ORDER**

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Defendant Kilolo Kijakazi’s unopposed motion for remand, (Dkt. 26), is **GRANTED**.

2. The ALJ’s decision is **REVERSED** and this case is **REMANDED** to the Acting Commissioner of Social Security for further administrative action, pursuant to sentence four of 42 U.S.C. § 405(g).

3. The Clerk of Court is directed to terminate Plaintiff Joseph A. C.’s motion for summary judgment, (Dkt. 22).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 6, 2021

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge